

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Bail Appl..No. 1618 of 2007()

CRIME NO.389/06 OF KALPAKANCHERY POLICE STATION

: PETITIONERS/ACCUSED

1. HASSAN, S/O. MOIDEENKUTTY,
THEKKIL HOUSE, KADAMPUZHA, MELMURI,
MALAPPURAM DISTRICT.
2. MUJEEB, S/O. ABDU,
PALATHUMVEETIL HOUSE, KADAMPUZHA, MELMURI,
MALAPPURAM DISTRICT.
3. SUBAIR, S/O. KUNHIPOCKER,
KALODY HOUSE, KADAMPUZHA, MELMURI,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KALPAKANCHERY POLICE STATION - THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1618 OF 2007 B

Dated this the 20th day of March, 2007

O R D E R

Petitioners, who are accused Nos.1 to 3 in Crime No.389/06 of Kalpakanchery Police Station for offences punishable under sections 341, 326 and 308 read with section 34 IPC, seek anticipatory bail. The occurrence took place on 7.11.06. The weapon used was iron rod. The defacto complainant has sustained fracture of ulna and metacarpal.

2. The petitioners had approached this court seeking anticipatory bail by filing B.A.No.6846/06. This court was not inclined to grant anticipatory bail instead directed the petitioners to surrender before the Magistrate and seek regular bail. That has not been done. The petitioners have again approached this court seeking anticipatory bail on the allegation that the investigation of the case is over and final report filed before the Magistrate was returned as defective for curing defects. I am not inclined to entertain this application for anticipatory bail again merely for the reason that the investigation is over. There is no reason why the petitioners should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate concerned and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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